

James H. Wilkins #116364
WILKINS DROLSHAGEN & CZESHINSKI LLP
6785 North Willow Avenue
Fresno, California 93710
Tel: (559) 438-2390
Fax: (559) 438-2393
j.wilkins@wdcllp.com

Attorneys for Plaintiff, LANCE ANDERSON,
as Guardian Ad Litem of MAURINE ANDERSON

LEWIS BRISBOIS BISGAARD & SMITH LLP
Julian J. Pardini, SB# 133878
Email: Julian.Pardini@lewisbrisbois.com
Stephen J. Liberatore, SB# 129772
Email: Stephen.Liberatore@lewisbrisbois.com
333 Bush Street, Suite 1100
San Francisco, California 94104-2872
Telephone: 415.362.2580
Facsimile: 415.434.0882

Attorneys for Defendant ALLIANZ LIFE INSURANCE COMPANY OF NORTH AMERICA

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LANCE ANDERSON, as Guardian Ad Litem
of MAURINE ANDERSON,

Plaintiff,

v.

ALLIANZ LIFE INSURANCE COMPANY
OF NORTH AMERICA, and DOES 1 through
50, inclusive,

Defendants.

Case No. 1:22-cv-00165-DAD-EPG

**REQUEST TO MODIFY
SCHEDULING ORDER
(FRCP RULE 16) AND ORDER**

(ECF No. 19)

Pursuant to FRCP 16(b)(4), Plaintiff, LANCE ANDERSON, as Guardian Ad Litem of MAURINE ANDERSON and Defendant ALLIANZ LIFE INSURANCE COMPANY OF NORTH AMERICA (collectively, “the Parties”) by and through their counsel, hereby request to modify the initial Scheduling Order issued on May 26, 2022 by Magistrate Judge Erica P. Grosjean for the following good cause shown:

1. In accordance with the May 26, 2022 initial Scheduling Order, and on November 9, 2022, the Parties participated in a Mid-Discovery conference with Magistrate Judge Erica P. Grosjean. At that time the parties expected and agreed

that they should be able to complete the nonexpert discovery by the existing February 17, 2023, cutoff date.

2. In early December 2022, and despite being fully vaccinated, Plaintiff's counsel came down with a rather significant case of COVID. Plaintiff's counsel was out of the office for more than 10 days and not able to perform his normal activities as counsel for his clients. As a result, and with the scheduling issues impacted with the seasonable holidays, the depositions the Parties expected to take during December had to be put off until the first week in January 2023.
3. In addition, during the first round of depositions, it was discovered that additional Allianz witnesses, that had not been identified in the initial Rule 26 disclosures, need to be deposed.
4. Efforts to get the needed additional Allianz depositions were delayed because of Defense counsel's need to deal with other serious family health/medical issues.
5. It now appears that the identified additional depositions will not be completed until mid to late February. It is anticipated that this discovery may lead to the need to take further depositions.
6. The Parties have made diligent efforts to have nonexpert discovery completed without undue delays. Despite their diligent efforts to do so and as such, the Parties request all discovery, expert and dispositive motion dates be continued by approximately 90 days. The Parties do not anticipate this brief continuance will impact the current Pretrial Conference scheduled for December 11, 2023 or the trial date of February 13, 2024.

The Parties propose the following schedule:

Discovery Deadlines:

Non-Expert Discovery:	Currently:	February 17, 2023
	Proposed New Cutoff:	May 23, 2023
Expert Disclosures:	Currently:	March 10, 2023
	Proposed New Cutoff:	June 12, 2023
Rebuttal Expert Disclosures:	Currently:	April 7, 2023
	Proposed New Cutoff:	July 14, 2023
Expert Discovery Cutoff:	Currently:	May 26, 2023
	Proposed New Cutoff:	August 31, 2023
Dispositive Motion Filing Deadline	Currently:	July 10, 2023
	Proposed New Cutoff:	September 5, 2023

///

Pre-Trial Conference (unchanged): December 11, 2023
Time: 1:30 p.m.
Dept: 5

Trial (unchanged): February 13, 2024
Time: 8:30 a.m.
Dept: 5

Dated: January 19, 2023

WILKINS DROLSHAGEN & CZESHINSKI LLP

By: /s/ James H. Wilkins

James H. Wilkins
Attorneys for Plaintiff, LANCE
ANDERSON, as Guardian ad Litem for
MAURINE ANDERSON

Dated: January 19, 2023

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Stephen J. Liberatore

Julian J. Pardini
Stephen J. Liberatore
Attorneys for Defendant, ALLIANZ LIFE
INSURANCE COMPANY OF NORTH
AMERICA

ORDER

Based on the parties' stipulation (ECF No. 19), the Court's scheduling order (ECF No. 13) is modified as follows:

Event	Former Date/Deadline	New Date/Deadline
Non-Expert Discovery	February 17, 2023	May 23, 2023
Expert Disclosures	March 10, 2023	June 12, 2023
Rebuttal Expert Disclosures	April 7, 2023	July 14, 2023
Expert Discovery Cutoff	May 26, 2023	August 31, 2023
Dispositive Motion Filing	July 10, 2023	September 5, 2023
Pretrial Conference ¹	December 11, 2023	February 12, 2024, at 1:30 p.m. Courtroom 1, before District Judge Ana de Alba
Trial	February 13, 2024	April 16, 2024, at 8:30 a.m. Courtroom 1, before District Judge Ana de Alba

With the reassignment of this case to District Judge Ana de Alba (ECF No. 14), the parties are directed to review her standing order, which addresses her requirements for pretrial conferences and trials. It is available on the Court's website at the following address: https://www.caed.uscourts.gov/caednew/assets/File/ADA/ADA%20Standing%20Order_12162022.pdf.

IT IS SO ORDERED.

Dated: **January 24, 2023**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

¹ The Court notes that the parties have not asked to extend the pretrial conference or trial dates. However, with the extension of the dispositive motion filing deadline, the Court extends the pretrial conference and trial dates to allow sufficient time to rule on any dispositive motions.